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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JAMES C. BUTCHER,)
13 Plaintiff,) Case No.: 2:20-cv-00875-BNW
14 vs.) **DEFENDANT'S NOTICE REGARDING**
15 ANDREW SAUL,) **PRODUCTION OF CERTIFIED**
Commissioner of Social Security,) **ADMINISTRATIVE RECORD**
16 Defendant.)
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1 Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,
2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-
3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the
4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its
5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter
6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to
7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any
8 regularity, given the limited staff and overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing
10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's
11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner
12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the
13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified
14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the
15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward
16 without delay.

17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the
18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these
19 additional copies of the CAR, which may possibly require seeking another extension upon the expiration
20 of the current extension, which requires that the Commissioner file the CAR by December 29, 2020.
21 Defendant, however, is ready and able to move forward at this time by filing the e-CAR under seal on
22 CM/ECF.

1 Dated: November 16, 2020

Respectfully submitted,

2 NICHOLAS A. TRUTANICH

3 United States Attorney

4 /s/ Allison J. Cheung

ALLISON J. CHEUNG

5 Special Assistant United States Attorney

6 The Court will permit defendant to file the e-CAR under seal using this new event ("Certified
7 Administrative Record under seal"). However, the Court instructs defendant that in the future a request for
court action must be styled as a motion, not a notice.

8 IT IS SO ORDERED:

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10 UNITED STATES MAGISTRATE JUDGE

11 DATED: November 20, 2020